

EX PARTE OR LATE FILED



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May 26, 1999

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RECEIVED
MAY 26 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Ex Parte Communications Assistance for Law Enforcement Act - *CC Docket*
No. 97-213

Dear Ms. Salas:

On May 25, 1999, representatives from GTE met with members of the Federal Communications Commission's Office of Engineering and Technology, Wireless Telecommunications Bureau, and Common Carrier Bureau. Attendees from the FCC were David Wand, Rebecca Doral, Rodney Small, Charlene Lagerwerff, Julius Knapp, Geraldine Matise, Charles Iseman, and James Green. GTE representatives at the meeting were John Buchanan, Greg Theus, Mike Arlington, Mike Mott, Ray Durac, Jim Bean, and the undersigned. The purpose of the meeting was to discuss comments and positions previously taken by GTE in the above-captioned proceeding and to respond to the FCC questions. The attached material was used in the discussion.

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List A B C D E

Pursuant to Section 1.1206 of the Commission's rules regarding ex parte communications, please include a copy of this notification in the public record of the above-captioned proceedings. Please call the undersigned should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'May Chan', with a long, sweeping horizontal line extending to the right.

May Chan

cc:	R. Doral	C. Lagerwerff
	J. Green	G. Matisse
	C. Iseman	R. Small
	J. Knapp	D. Wand

CALEA

GTE - FCC Meeting

May 25, 1999

CALEA

- Legislative history shows that Congress sought balance and equity in funding CALEA.
 - Fair reimbursement was integral to discussions leading to legislation.
 - Congress contemplated that the industry would be required to bear only the reasonable costs of compliance.
 - Provided the Commission with specific factors to determine what is reasonable .
- Section 109(b)(1) lists 11 factors for the Commission to consider when determining whether compliance with the assistance capability requirements of section 103 is reasonably achievable with respect to any equipment, facility or service installed or deployed after January 1, 1995.
- Item K permits the Commission to consider “[s]uch other factors as the Commission determines are appropriate.”
- In keeping with the objectives of Congress that there be balance and equity in funding CALEA, GTE believes that the Commission should not require CALEA compliance where there is no historical basis or where a vendor has stopped further development on a switch platform.

CALEA

- There is no historical basis for conducting court-ordered intercepts in the vast majority of GTE's wireline central offices (COs) and wireless mobile switching centers (MSCs).
- Even if the FBI's definition of installed or deployed was accepted, the vast majority of GTE's post-1995 COs and MSCs have had no intercept activity.
- Requiring GTE to deploy CALEA capabilities in all of GTE's COs and MSCs is not consistent with the reasonably achievable objectives set by Congress and the Congressional funding targets set forth in CALEA.
- Even if the FBI negotiates a national buyout for the CALEA application, there are other CALEA related costs beyond the software application.

CALEA

- Spending money to equip COs and MSCs that have no history of intercept activity is inconsistent with many of the other criteria for making a determination that meeting section 103 is not reasonably achievable.
 - (A) No impact on public safety or national security
 - (B) All assistance capability costs for post-1995 installation/deployment would likely be recovered from customers since the Government is not required to pay.
 - (D) Spending money on offices or switches that have never had an intercept request is clearly not a cost-effective method.
 - (E) Forces carriers to upgrade switches long before, and in many cases totally absent of, any business rationale to do so.
 - (G) Money spent on CALEA decreases the amount that can be spent on developing and deploying new services.
 - (H) The financial hardships imposed by CALEA are significant to all carriers, regardless of size.
 - (I) All carriers should comply with CALEA in a competitively neutral manner.

CALEA

- In summary, GTE recommends that Item K should include that it is not reasonably achievable to meet the capability requirements of section 103 if:
 - equipment, facilities, or services were installed or deployed after January 1, 1995; and
 - there has been no court order intercept request in the period from October 25, 1995 through June 30, 2000; or
 - there has been no more than one court ordered intercept request in any five year interval prior to October 25, 1995;
or
 - a vendor has stopped future development on a switch platform.
- For equipment, facilities, and services installed or deployed after January 1, 1995, GTE recognizes that a Commission determination that CALEA is not reasonably achievable may place reimbursement obligations on the government.

Response to the FCC Questions

- 1) To what extent, if any, are the J-Standard and the nine DoJ/FBI "punch list" items currently being implemented in GTE's wireless and wireline switching equipment, and how does this implementation differ from the preferences of the law enforcement community?

The J-Standard and punch list items are not being implemented in any offices at this time because the capability is not available in any vendor switch as of today.

- 2) For both GTE's wireless and wireline switching equipment, what are the rough costs to GTE of implementing a) the core J-Standard; and, b) the nine punch list items?

The rough cost estimates for GTE to implement the core J-Standard is in excess of \$400 million. At this point in time, GTE does not have any cost estimates for the nine punch list items from the vendors. However, several of the punch list items deal with the delivery of information dialed by the party being intercepted after the initial call has been initiated. Specifically, punch list item 3, Subject-initiated Dialing and Signaling Information capability would permit the LEA to be informed when a subject using the facilities under surveillance uses services such as call forwarding, call waiting, call hold, and three-way, calling, etc. Punch list item 5, the Dialed Digital Extraction capability (also known as the "post-cut-through digits") would require the telecommunications carrier to provide a LEA any digits dialed by the subject after connecting to another carrier's service if such information is reasonably available.

GTE believes a switch would be required to maintain a tone receiver on a line in a full period basis in order to capture the information required by punch list items 3 and 5. Based on the existing capacity requirements, this could become very expensive. For example, the Capacity Notice requires GTE to have available capacity to support over 75,000 full period Title III orders. If each of these required a dedicated tone receiver and each tone receiver cost \$2,500, it would amount to a total cost of approximately \$187 Million (\$2,500 multiply by 75,000). Consequently, GTE is concern with the totality effect. The small individual cost of supporting the punch list items becomes a very large cost when combine with the capacity requirement based on GTE's understanding.

Response to the FCC Questions

- 3) If only the five punch list items proposed in the FCC's Further NPRM are required, how much of a cost savings is there to GTE for both wireless and wireline switching equipment, relative to implementing the entire punch list?

Since no specific costs for the punch list items have been received from our vendors, GTE has no way of estimating the cost. GTE is also not aware of any additional hardware that may be required to implement the punch list items. Extrapolating from our experience with the core capability, it is clear that each vendor has implemented the functionality utilizing different architecture. GTE would not expect the punch list items to be any different. Therefore, it is not possible to make any intelligible comparison without cost and methodology information from the vendors.

- 4) What are the relative costs to GTE of implementing each of these five proposed items for both wireless and wireline switching equipment?

Again, GTE has not received any cost information on the punch list items.

- 5) With respect to any of these five items, is there a potential for significantly lowering either wireless or wireline costs by using a differing technical solution than the one favored by DoJ/FBI?

GTE will deploy standardized technical solutions, if the FCC deems a punch list item to be within the §103 capability. GTE has not specifically sought out alternative technical solutions for any of the punch list items. GTE is always in favor of deploying cost effective technical solutions.

Response to the FCC Questions

- 6) With respect to implementation of the core J-Standard and the possible implementation of one or more punch list items, how much of a cost savings would be realized by GTE for both wireless and wireline equipment if initially any new capabilities were provided only in major urban areas?

GTE believes that there would be significant cost savings if GTE is required to only deploy CALEA in major urban areas.

- 7) What percentage of GTE's wireless and wireline switching equipment was placed into service on or before January 1, 1995?

The majority of GTE's wireline and wireless switching equipment was installed or deployed prior to 1/1/95.